

Monday out of respect to and in memory of Honorable George H. Sheppard.

The motion prevailed.

Accordingly, the Senate, at 10:30 o'clock a.m., adjourned until 10:30 o'clock a.m. Monday.

SEVENTH DAY

(Monday, January 24, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent—Excused

Harris Moore

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Harris was granted leave of absence for today on account of important business on motion of Senator Ashley.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Kelly of Tarrant.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
January 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolutions:

S. C. R. No. 5, Petitioning the Congress of the United States to call a convention for the purpose of drafting an amendment to the Federal Constitution relating to State Tidelands Rights, etc.

H. C. R. No. 8, Commending the United States Navy for the undertaking and successful completion of their operation with the Naval Air Reserve from Texas.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 14

Senator Hardeman offered the following resolution:

Whereas, A distinguished former member of the Senate of Texas is visiting in the City of Austin; and

Whereas, This gentleman served with credit to himself and honor to the State, since the memory of man runneth not to the contrary, having been returned time after time to this Chamber at the hands of an enlightened electorate of the 29th Senatorial District; and

Whereas, The members of this body would be pleased to look again upon his benign and familiar face; now, therefore, be it

Resolved, By the Senate of the State of Texas that the Honorable H. L. Winfield be granted the privileges of the floor for the day; and, be it further

Resolved, That this be his invitation to address this body.

HARDEMAN
HUDSON

The resolution was read.

On motion of Senator Hazlewood, the names of the Lieutenant Gover-

nor and all Members of the Senate were added to the resolution as signers thereof.

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

The resolution was adopted.

In accordance with the provisions of the above resolution, the President pro tempore appointed Senators Hudson, Hardeman, Tynan and Weinert to escort the Honorable H. L. Winfield to the President's stand.

The President pro tempore then presented Senator Winfield who addressed the Senate briefly and thanked them for the honor bestowed upon him.

Messages from the Governor

The President pro tempore laid before the Senate and directed the Secretary to read the following messages from the Governor:

Austin, Texas,
January 24, 1949.

To the Senate of the Fifty-first Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a member of the Texas Civil Judicial Council to succeed Judge James W. McClendon:

Judge Atwood McDonald of Fort Worth, Tarrant County.

To be State Comptroller of Public Accounts to fill the unexpired term of the late Honorable George H. Shepard:

Robert S. Calvert of Austin, Travis County.

Respectfully submitted,

BEAUFORD H. JESTER,
Governor of Texas.

Austin, Texas,
January 24, 1949.

To the Senate of the Fifty-first Legislature:

In the list of interim appointments submitted to the Senate on January

19th, on Page 12, the name of Lonnie C. Fuller was erroneously submitted. This appointment should have read as follows:

"To be a member of the State Parks Board to fill the unexpired term of the late H. G. Webster, term to expire May 15, 1951:

Lonnie C. Fuller of Denison, Grayson County."

Respectfully submitted,

BEAUFORD H. JESTER,
Governor of Texas.

The messages were read and referred to the Committee on Nominations of the Governor.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred to the committees indicated:

By Senator Colson:

S. B. No. 101, A bill to be entitled "An Act to amend Section 1 of Chapter 3 of the General and Special Laws of the Fourth Called Session of the Forty-third Legislature, as amended by Section 1 of Chapter 368, of the General and Special Laws of the First Called Session of the Forty-fourth Legislature, to provide for the donation and granting to the Brazos River Conservation and Reclamation District for the 20-year period beginning September 1, 1935, certain ad valorem taxes collected from property and persons in the counties of Austin, Brazoria, Burleson, Fort Bend, Grimes, Waller, Washington, Brazos, Milam, and Robertson; providing a repealing clause and declaring an emergency."

To Committee on State Affairs.

By Senator Bullock:

S. B. No. 102, A bill to be entitled "An Act validating independent school districts which have been enlarged by consolidations with other districts and by orders of county boards of school trustees, and whose boundaries have been defined by orders passed by the county board of school trustees of the county in which the principal school of the independent district is situated; validating orders passed by commissioners' courts and county boards of school trustees making such districts; validating elections held by such districts for maintenance taxes,

assumption of outstanding bonds, and the issuance of bonds; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Bell:

S. B. No. 103, A bill to be entitled "An Act authorizing the Commissioners' Court of any county or counties and the municipal authorities of any city or cities, towns, school boards and school districts, and any other governmental entity to cooperate in the establishment of a coordinated health program and by mutual agreement to provide for the payment of all costs incident thereto, and declaring an emergency."

To Committee on Public Health.

By Senator Proffer:

S. B. No. 104, A bill to be entitled "An Act validating certain consolidations of rural high school districts, common school districts, and independent school districts; declaring such consolidated districts to be subject to the general laws relating to independent school districts; making provision for the appointment of a board of trustees in the manner authorized by the consolidation elections; enacting other provisions relating to the subject; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Kelly of Tarrant:

S. B. No. 105, A bill to be entitled "An Act to amend Chapter 39 of the Regular Session of the 44th Legislature of the State of Texas, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Ashley:

S. B. No. 106, A bill to be entitled "An Act to amend Articles 807 and 809 of Title 9, Chapter 4, Code of Criminal Procedure of the State of Texas; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator McDonald:

S. B. No. 107, A bill to be entitled "An Act to amend Article II, Section 2, and Article IV, Section 2, of House Bill No. 295, Acts of the 50th Legislature, relative to filing date of appli-

cations; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Education.

By Senator Cousins:

S. B. No. 108, A bill to be entitled "An Act to make permanent the 128th Judicial District of Texas composed of Orange County, Texas, and to provide for the terms thereof; and to provide that the Judge of the 128th Judicial District shall continue to serve in said District and the period thereof; and to provide that the County Attorney of Orange County, Texas, shall perform the duties of County and District Attorney of said 128th Judicial District and to provide his compensation therefor; and declaring an emergency."

To Committee on Judicial Districts.

By Senator Hudson:

S. B. No. 109, A bill to be entitled "An Act creating a special road law for Presidio County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1949, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this Law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Phillips:

S. B. No. 110, A bill to be entitled "An Act to provide for the appointment of a Committee to revise, digest and recodify all the Election Laws of this State covering General, Special and Primary Elections; defining their powers and duties and fixing the compensation of the members of said Committee; directing the Committee to embody their report in the form of a Bill for the adoption by the Legislature; authorizing the Committee to present said Bill to the Governor and the Legislature; and further au-

thorizing and directing said Committee to prepare a supplemental report to be delivered to the Governor and the Legislature; and authorizing the publication of said Bill and supplemental report; and making an appropriation for the purposes defined in this Act and declaring an emergency."

To Committee on Privileges and Elections.

By Senator Kelley of Hidalgo:

S. B. No. 111, A bill to be entitled "An Act providing for an open season on deer, turkey, quail and doves in McMullen County, Texas, and declaring an emergency."

To Committee on Game and Fish.

By Senator Kelley of Hidalgo:

S. B. No. 112, A bill to be entitled "An Act amending Section 4 of Senate Bill No. 44, Acts of the 48th Legislature, 1943, page 313, Chapter 204, by providing that in counties having only one district court and having a juvenile board, such board shall designate the county or district court of such county as the Juvenile Court for said county, and in all other counties having only one district court, but no juvenile board, the County Judge and the District Judge of such county shall designate the county or district court of such county as the Juvenile Court, and providing that in counties having two or more district courts and having a juvenile board, such board shall designate one of the district courts as the Juvenile Court for said county, and in all counties having two or more district courts, but no juvenile board, the judges of the district courts and the county court of such counties shall designate one of the district courts as the Juvenile Court for said county, and providing that in all counties having two or more district courts the district court designated as the Juvenile Court for said county shall give preference to cases of annulment, divorce, dependency, neglect, support, custody, adoption, and contempt proceedings growing out of or ancillary to such cases; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Shofner:

S. B. No. 113, A bill to be entitled "An Act amending Article 6664 of the Revised Civil Statutes of Texas

as the same has been amended, and declaring an emergency."

To Committee on State Affairs.

By Senator Shofner:

S. B. No. 114, A bill to be entitled "An Act amending Article 998 of the Revised Civil Statutes of Texas, and declaring an emergency."

To Committee on Towns and City Corporations.

Recess

On motion of Senator Strauss and by unanimous consent, the Senate at 11:05 o'clock a.m. today took recess to 11:10 o'clock a.m. today.

After Recess

The President pro tempore called the Senate to order at 11:10 o'clock a.m. today.

Executive Session

On motion of Senator Strauss, the Senate agreed to hold an executive session immediately.

Accordingly the President pro tempore directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nomination of the Governor:

To be State Comptroller of Public Accounts to fill the unexpired term of Honorable George H. Sheppard:

Robert S. Calvert of Austin, Travis County.

In Legislative Session

The President pro tempore called the Senate to order at 11:20 o'clock a.m. today.

House Concurrent Resolution 8

The President pro tempore laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 8, Commending the U. S. Navy for the undertaking and successful completion of their operation with the Naval Air Reserve from Texas.

Whereas, Gallant men and women of Texas always have stood first in the defense of our country to the extent that no other State can claim so great a part of individual heroism by her sons and daughters as does Texas; and

Whereas, From August 28, 1948, to September 10, 1948, another "first" in national defense was achieved by Texans, more particularly by Naval Reserve Aviators from the Lone Star State, comprising Air Group 55 and Air Group 83; and

Whereas, This most recent "first" achieved by our native sons of Texas involved actual carrier operations entirely staffed by reserve officers, the flying officers of which had not operated with aircraft carrier for three (3) years; and

Whereas, So well did these flying Texans execute their landings aboard the USS Wright and so thoroughly did they conduct their assigned battle problems that they earned the praise of the Secretary of the Navy; and

Whereas, The success of these operations at sea with reservists indicates the firm bulwark of America's defense and security and serves as a warning against those unfriendly aggressors who look hopefully for a weakness in our armor before launching an attack on this great and final bastion of Democracy; and

Whereas, Texas is proud of the part played in these operations by her native sons and is proud of the ability and strength of our great United States Naval Forces; now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That we commend the United States Navy for the undertaking and successful completion of this operation with the Naval Air Reserve from Texas and that we express our gratitude to Rear Admiral J. W. Reeves, Chief of Naval Air Training Command and to Captain M. A. Nation, Commanding Officer of the Naval Air Station, Dallas, Texas, for this operation, and by this Resolution express our hope that in the future there will always be assured for the State of Texas the defense afforded by Naval Aviation; and, be it further

Resolved, That a copy of this Resolution be sent to the officers and men who participated in these important tests, to the Secretary of the Navy, to Admiral J. W. Reeves, and to Captain M. A. Nation.

On motion of Senator Bullock, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Resolution 17

Senator McDonald offered the following resolution:

Whereas, A distinguished former member of the Senate of the State of Texas is visiting in the City of Austin; and

Whereas, This gentleman served with credit to himself and honor to the State; and

Whereas, The members of this body would be pleased to look again upon his benign and familiar face; now, therefore, be it

Resolved, By the Senate of the State of Texas that the Honorable T. C. Chadick be granted the privilege of the floor for the day; and, be it further

Resolved, That this be his invitation to address this body.

The resolution was read and was adopted.

Resolution Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following resolution:

S. C. R. No. 5, Petitioning the Congress of the U. S. to call a convention for the purpose of drafting an amendment to the Federal Constitution relating to State tidelands rights.

Co-author of Bill

Senator Kelly of Tarrant asked unanimous consent to be shown as co-author of S. B. No. 104.

There was no objection offered.

Notice of Committee Meeting

Senator Jones announced that the Committee on Counties and County Boundaries would meet on Monday, Jan. 31, 1949, to consider Senate Bill No. 92.

The hour for the meeting to be announced immediately following adjournment on that day.

Adjournment

On motion of Senator Hardeman, the Senate at 11:30 o'clock a.m., adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Mrs. Ruth Elrod Smith

Senator Bullock offered the following resolution:

(Senate Resolution 15)

Whereas, God in His infinite wisdom did on the 14th day of December, 1948, call from her earthly labors Mrs. Ruth Elrod Smith, wife of former State Senator and Lieutenant Governor John Lee Smith, at Lubbock, Texas; and

Whereas, Mrs. Smith was long prominent as a leader in church, civic, club and political circles. She had devoted herself to the aid of the underprivileged and unfortunate and worked diligently in all fields in charitable effort. For more than twenty years she was County Chairman of the Red Cross Chapter at Throckmorton, Texas, and had been awarded the twenty year service medal by the Red Cross for conspicuous service. From 1943 to 1946 she served as co-chairman of the Red Cross for Travis County. She organized the group that gave special service to the wounded soldiers at McCloskey Hospital at Temple, Texas. At Christmas of 1945 more than 3,000 wounded soldiers were remembered by gifts due to her efforts. For this great service she was commended by General Bethea, Director of the McCloskey Hospital at that time; and

Whereas, Mrs. Smith had been an active member of the Methodist Church since her childhood. She served from 1938 to 1942 as a member of the State Democratic Executive Committee. In 1940 she was a delegate to the Democratic National Convention in Chicago. She served as the first State President of the American Veterans of World War II Council. She was an active member of the Pythian Sisters, American Legion Auxiliary and Garden Club; and

Whereas, Mrs. Smith is survived by her husband; two sons, John Lee, Jr. and Mark; a daughter, Ruby; her father and mother, Mr. and Mrs. I. N. Elrod of Alvord, Texas; five sisters, Mrs. W. R. Auttenberry, Austin, Texas; Mrs. Laurene Arndt, Palm Beach, Florida; Mrs. William R. Stewart, San Benito, Texas; Mrs. Floyd V. Frawner, Tulsa, Oklahoma; Mrs. Roy Edd Jones, Los Angeles, California; two brothers, Ernest M. Elrod, Denton Texas; and Robert C. Elrod, Cooper, Texas; and

Whereas, Her passing will be greatly mourned by her many friends throughout the State of Texas and her loss is irreplaceable and it is the desire of the Senate of Texas to recognize and to pay tribute to the services and the useful life of Mrs. Smith, and to express sympathy to her family; now, therefore, be it

Resolved, That we express to the immediate members of the family of the deceased our sincere sympathy and regret upon the passing of this beloved citizen; that a copy of this resolution be mailed to the members of the family of the deceased.

**BULLOCK
VICK
MOFFETT.**

Signed—Allan Shivers, Lieutenant Governor; Senators Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Harde-
man, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of
Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phil-
lips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Jones the names of the Lieutenant Governor and all members of the Senate were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

In Memory of

Vernon S. Reaves

Senator Strauss offered the following resolution:

(Senate Resolution 16)

Whereas, Vernon (Scrapiron) Reaves, Sheriff of Lavaca County, Texas, passed away on Monday, January 17, 1949, and

Whereas, Sheriff Reaves died in line of duty, as a result of an automobile accident while performing the duties of his office, and

Whereas, He was a veteran of World War II having served from October 16, 1941, to October 22, 1945, as a technician with the Field Artillery in Italy, France and the Rhineland and received the following awards:

Five Bronze Battle Stars
One Bronze Arrowhead
European Theater Ribbon
American Defense Ribbon
Good Conduct Medal, and

Whereas, He was thirty-one years of age, a member of the Baptist Church, of the American Legion and the Veterans of Foreign Wars, and

Whereas, The citizens of Lavaca County and of the State of Texas lost an outstanding citizen and public servant, and

Whereas, It is the desire of the members of the Senate to express to his widow and to the other members of his family and to the friends of Sheriff Reaves, their sorrow and sympathy and, further, to bear recognition of the public service of this outstanding citizen, now, therefore, be it

Resolved, By the Senate of the State of Texas, that a copy of this resolution be spread upon the Journal of the Senate, that a copy of this resolution be sent to his widow, Mrs. Lillian Reaves, and to his mother, Mrs. Alice Reaves, and be it further

Resolved, that when the Senate adjourns today, that it do so in honor of Sheriff Vernon (Scrapiron) Reaves.

The resolution was read and was adopted.

In Memory of

Honorable J. M. Brownlee

Senator Colson offered the following resolution:

(Senate Concurrent Resolution 6)

Whereas, On the 8th day of September, 1948, the State of Texas lost one of its most distinguished and beloved citizens when God in His Infinite Wisdom saw fit to take from this earth the Honorable J. M. Brownlee; and

Whereas, J. M. Brownlee was born in Siloam, Mississippi on February 13, 1865 and later came to Texas with his parents who settled on a farm just east of Madisonville in Madison County; and

Whereas, Mr. Brownlee became a farmer, a teacher and a lawyer; and

Whereas, He was one of the five-member committee which brought the International and Great Northern Railroad to Madisonville in 1903; was a member of the Texas Democratic Executive Committee for two terms; served as Sunday School Superintendent, Deacon and Treasurer of the First Baptist Church of Madisonville for some fifty years; and was a member of the Texas Legislature from 1909 to 1913; and

Whereas, Mr. Brownlee is survived by his wife, Mrs. Pearl Wycough Brownlee, and five children: Milton M. Brownlee of Madisonville; B. B. Brownlee of Dallas; G. W. Brownlee; Mrs. George D. Neal; and Mrs. Louise Lacey of Houston; and

Whereas, The State of Texas has sustained an irreparable loss in the passing from this earthly life of this good and great man who filled all the years allotted him with devoted service to his state, his family and his friends; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that we extend our sincere and heartfelt sympathy to his bereaved family; that we acknowledge his passing by directing that a copy of this resolution be spread upon the pages of the Journal as an expression of our respect; that enrolled copies of this resolution be sent to the members of his family; and that when the Senate adjourns today, it do so in solemn tribute to J. M. Brownlee whose life and works will live long in the memory of this state and in the memory of his multitude of friends.

COLSON
BRACEWELL.

The resolution was read and was adopted.